

KSC/08.09.24

FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

4:35 pm, Aug 09 2024

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ Deputy**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND****UNITED STATES OF AMERICA****v.****ANDRE TREVOR BERRY and
IVAN MENDEZ ROMAN****Defendants.**1:24-mj-1961-CDA
Case No. 1:24-mj-1962-CDA**AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, Justin T. Meinecke, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. This affidavit is made in support of complaints for Andre Trevor BERRY and Ivan Mendez ROMAN, charging them with violations of 18 U.S.C. § 922(g)(1) (possession of firearms by a previously convicted person); 21 U.S.C. § 841(a)(1) (possession of narcotics with the intent to distribute), and 18 U.S.C. § 924(c) (possession of firearms in furtherance of a drug-trafficking crime).

2. I submit, based on the information included below, that there is probable cause to believe that BERRY and ROMAN have committed the aforementioned offenses. I have not included all of the information known to investigators in this affidavit, but have included information I believe to be necessary for a determination of probable cause for the charged offenses.

AFFIANT BACKGROUND

3. I am a Special Agent with the ATF and have been so employed since 2015. I am currently assigned to ATF’s Baltimore Field Division where I primarily investigate suspected

violations of Federal firearms and narcotics laws in and around Baltimore City. Prior to working in Maryland, I spent six years working in ATF's Nashville Field Division investigating similar violations of federal law.

4. Throughout my career, I have conducted and participated in numerous investigations concerning the illegal possession and use of firearms, possession and distribution of controlled substances, and the commission of violent crimes such as homicides and non-fatal shootings. Some of these violent crimes were perpetuated by struggles for control over drug territory. I have conducted and participated in search warrants and arrests of suspects for these offenses and other related crimes. I am familiar with federal firearms and controlled substances statutes and the methods employed by those who perpetrate these acts. I have received specialized training and personally participated in various types of investigative activities, including, but not limited to: (a) physical surveillance; (b) the debriefing and interviewing of defendants, witnesses, and informants; (c) the execution of search warrants; (d) undercover operations; (e) electronic surveillance through the use of pen registers and trap and trace devices; and (f) the handling and maintenance of evidence.

5. Before becoming a sworn law enforcement officer, I completed a 12-week Criminal Investigators Training Program at the Federal Law Enforcement Training Center in Brunswick, Georgia, followed by a 15-week Special Agent Basic Training at the ATF National Academy. In addition to these academies, throughout my career I have had regular opportunities to attend advanced trainings in various topics valuable to a criminal investigator.

PROBABLE CAUSE

6. On March 7, 2024, detectives with the Baltimore Police Department ("BPD") obtained a state search warrant for 519 North Millington Avenue, Baltimore City, Maryland. The search warrant was obtained based on photographs posted on ROMAN's social media showing

him and other known associates, including BERRY, posing with firearms inside 519 North Millington Avenue. ROMAN and BERRY are both prohibited from possessing firearms due to prior felony convictions.

7. On March 11, 2024, BPD officers and detectives prepared for execution of the obtained search warrant. Detectives conducted pre-raid surveillance of 519 North Millington Avenue while awaiting the arrival of BPD SWAT.

8. At approximately 11:50 AM, detectives observed Andre BERRY enter the front door of 519 North Millington Avenue. BERRY carried a bag of food.

9. At approximately 12:10 PM, detectives observed Ivan ROMAN arrive in a green Infiniti sedan and park nearby. ROMAN exited the vehicle then walked to the front door of 519 North Millington Avenue. ROMAN wore a bright orange jacket and a blue Miami Dolphins ball cap. BERRY opened the front door of the residence and ROMAN entered.¹

10. At approximately 12:12 PM, BPD's SWAT unit approached the front and rear of 519 North Millington Avenue. As SWAT approached the residence, units stationed behind the residence observed a male subject jump from a second story window carrying a red bag. Police observed the subject flee on foot and then enter a back door of 511 North Millington Avenue. After providing a description to detectives, they were able to determine this subject was BERRY.

11. Police then secured the block, including 511 and 519 North Millington Avenue, and attempted to call BERRY and ROMAN out with loudspeakers. Shortly after, police forced entry into 519 North Millington Avenue. Once inside, police observed certain evidence in plain view (discussed below), but no one was found inside the residence. In a closet, police found an

¹ Your affiant's understanding is that although the pre-raid surveillance officers had a camera or video recording device, the battery apparently died or the video device did not function. Accordingly there are not videos or photos of the pre-raid observations.

open cavity in a drop ceiling. Police noticed a larger furniture item stationed directly beneath the cavity, as if a person had used it to reach the cavity in the ceiling. Further investigation revealed that the cavity led to a crawl space that stretched from 519 North Millington Avenue to the neighboring house, 517 North Millington Avenue. Inside the crawl space police found a Miami Dolphins ball cap matching the one worn by ROMAN as he entered the residence.

12. Police obtained consent from the apparent residents of 517 to search the residence. SWAT made entry into 517 and found ROMAN hiding inside a tote container in the basement. Police concluded that ROMAN entered 517 using the crawl space from 519.

13. SWAT also made entry into 511 North Millington Avenue and found BERRY hiding in the upstairs ceiling.

Evidence Recovered During SWAT Entries

14. During their initial entry into 519 North Millington Avenue, SWAT found the following items inside that house:

- A blue Miami Dolphins ball cap was found in the crawlspace between 519 and 517 North Millington Avenue. The hat matched in appearance the hat detectives observed ROMAN wearing when he entered 519 during pre-raid surveillance.
- An orange jacket was found in the living room area of 519 North Millington Avenue which matched in appearance the jacket detectives observed ROMAN wearing when he entered 519 during pre-raid surveillance.
- Suspected CDS (specifically, 12 pink containers containing a rock substance, suspected cocaine) was found in the pocket of the orange jacket found in the living room area. The substance was lab-tested and confirmed to be a quantity of cocaine.
- A tan-colored Canik 9mm pistol, loaded with 15 rounds of ammunition, was found in the crawl space between 519 and 517 North Millington Avenue. That weapon

was removed from the crawl space by SWAT officers and placed on a stack of drywall near the living room area where it was later recovered by officers (the drywall was also the area from which various suspected narcotics substances were later recovered).

Evidence Recovered During Execution of Search Warrants²

15. During the execution of the search warrant at 519 North Millington Avenue police seized the following evidence (some of which had already been seen in plain view):

- On top of the stacked dry wall in the front room was the following: 1 plastic bag of a white substance that was lab tested and found not to be a controlled dangerous substance during lab-testing; 1 plastic bag containing a tan powder substance that was lab-tested and found to contain fentanyl and another substance; 1 plastic bag containing 31 gel caps containing a powder substance, which was lab-tested and found to be a mixture containing heroin and fentanyl as well as another substance.
- As stated, from the orange jacket, police found 12 pink containers containing a substance that was lab-tested and found to contain cocaine base.
- As stated, the aforementioned Canik handgun.
- In the living room area, police found a rifle case, various mail documents belonging to ROMAN and BERRY, and 3 phones.

16. Detectives also obtained state search warrants for 511 and 517 North Millington Avenue. The only property seized in connection with the search of 517 North Millington Avenue was the aforementioned Miami Dolphins ball cap found in the crawlspace joining 519 and 517.

² This affidavit does not list all of the evidence found from the various locations. With respect to DNA testing, it appears that attempts to secure DNA samples were made on various items of evidence. Three of the attempts yielded possible biological material (suspected blood and/or epithelial cells) that were appropriate for additional DNA testing.

17. During the execution of the search warrant at 511 North Millington Avenue, police seized the following evidence:

- A red Mickey Mouse backpack found in a garbage bag on the first floor. This bag matched in appearance the bag BERRY was observed fleeing with when he jumped from the second story window of 519.
- From inside the red Mickey Mouse bag, police found a Glock 9mm pistol equipped with a machine gun conversion device, a.k.a. “Glock switch,” affixed to the rear of the slide; the weapon was loaded with 30 rounds of 9mm ammunition.³
- A Canik 9mm pistol found loaded with 10 rounds of 9mm ammunition. This handgun was stored inside a black plastic handgun case and was found concealed in a covered hole in the floor.
- One Black Sheep Tactical AR-pistol,⁴ found loaded with 20 rounds of 5.56 caliber ammunition, and one Anderson Manufacturing AR-pistol, found loaded with 28 rounds of .223 caliber ammunition. Both pistols were equipped with aftermarket

³ DNA samples were taken from the Glock according to a Baltimore Police lab report. The DNA mixture is consistent with at least four contributors. The sample was processed using probabilistic genotyping. According to the lab report, Ivan ROMAN matches an inferred genotype and a match between Ivan ROMAN and the inferred genotype is 186 thousand times more probable than a coincidental match to an unrelated individual in the population. Andre BERRY can neither be included nor excluded as a contributor to the inferred genotype.

⁴ DNA samples were taken from various parts or accessories of the Black Sheep pistol. DNA from an unknown male was found on the magazine body. Swabs from one part of the rifle and magazine showed a DNA mixture with at least three contributors; the Baltimore City lab report stated that, after processing the sample through probabilistic genotyping, Ivan ROMAN matches an inferred genotype and a match between Ivan ROMAN and the inferred genotype is 721 billion times more probable than a coincidental match to an unrelated individual in the population. Andre BERRY was excluded as a contributor for that sample.

attachments and accessories and both were stored inside a black duffel bag found concealed in a covered hole in the floor.

- Three rifles, each loaded, found concealed behind unfinished drywall.⁵
- One extended “drum” style magazine recovered from an Adidas duffel bag found inside an open cavity of wall.
- Various quantities of narcotics, including a quantity of small purple containers from the aforementioned red Mickey Mouse bag that were lab-tested and determined to be cocaine base.

Information Further Connecting ROMAN and BERRY to Residences and Firearms

18. Prior to the execution of the search warrants at 519, 517, and 511 North Millington Avenue, detectives were familiar with ROMAN’s and BERRY’s social media accounts and ROMAN’s YouTube channel.

19. On March 10, 2024, a music video was posted to ROMAN’s YouTube channel, @BorderlineBaby23. Watching the video, police determined it was filmed almost entirely inside 511 North Millington Avenue. Throughout the entire video, ROMAN, BERRY, and other known associates pose holding and pointing various firearms. Several of the firearms are distinct enough to identify as the same firearms recovered during the March 11, 2024, search of 511 North Millington Avenue.

20. Of note, ROMAN is seen in the music video holding three different firearms recovered during the search. Specifically, ROMAN is seen holding the Black Sheep Tactical AR-pistol, the Anderson Manufacturing AR-pistol, and the Glock 9mm pistol with an affixed machine

⁵ One of the weapons found during the 519 search was a Great Lakes .223/5.56 45 mm NATO rifle. DNA from that weapon was also analyzed a sample from three contributors was found. ROMAN could not be included or excluded as a contributor through an inferred genotype. BERRY was excluded as a contributor of DNA through an inferred genotype.

gun conversion device. Each firearm has distinct accessories or markings that make it possible to identify them in ROMAN's music video posted just one day before the search warrant execution.

21. Throughout the music video, BERRY is seen holding the Glock 9mm pistol with affixed machine gun conversion device which was recovered from the red backpack he was seen fleeing with at the beginning of the search warrant. The pistol has a distinct undermounted flashlight and protruding machine gun conversion device a.k.a. "Glock switch" on the rear of the slide which make it possible to identify in the video.

22. Other persons appear in the video including one known associate who also handles firearms.

23. Additionally, detectives obtained a state search warrant for BERRY's iCloud account. In the data obtained from BERRY's account, numerous photographs and videos captured from inside 519 North Millington Avenue were found, many of which include BERRY posing with firearms. One such item seen in several videos is an extended "drum" magazine which BERRY holds loaded into a handgun. The "drum" style magazine matches in appearance to an extended "drum" style magazine recovered from a wall cavity inside 511 North Millington Avenue. The iCloud video also shows other persons, including one person (other than BERRY and ROMAN) handling a black Canik TP9 that may be consistent with one of the Canik handguns found during the searches discussed herein.

Other Information

24. Prior to the date of the searches, both BERRY and ROMAN had incurred criminal convictions for offenses punishable by more than one year imprisonment. Based on the sentences received by the defendants, your affiant believes that they were aware of the fact that the convictions were punishable by more than one year imprisonment at the time of the events in this case.

25. Based on my training and experiences and/or based on an examination of the firearms by the ATF, your affiant believes that the firearms and ammunition discussed herein were manufactured outside the State of Maryland and therefore traveled in interstate commerce prior to recovery Maryland. Based on their appearance in the aforementioned videos, from the police body-worn camera footage that I have viewed of the incident (including the fact that many of the firearms were loaded with ammunition), and examination by Baltimore police firearms examiners, the firearms appear to be capable of functioning to fire, that is of expelling a projectile by the action of an explosive.

26. The quantity of narcotics were consistent with an intent to distribute. The fact that the firearms and narcotics were recovered in the same premises and reasonably close to each other and the other circumstances of this case indicate that the defendants possessed the various firearms in furtherance of their possession with the intent to distribute the narcotics in question.

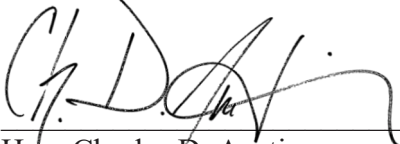
CONCLUSION

27. Based on the foregoing, I believe that there is probable cause to believe that Andre Trevor BERRY and Ivan Mendez ROMAN have committed the aforementioned federal offenses, in violation of 18 U.S.C. § 922(g)(1), 21 U.S.C. § 841(a)(1), and 18 U.S.C. § 924(c).

Respectfully submitted,


Digitally signed by Justin
Meinecke
Date: 2024.08.09 09:32:23
-04'00'
Special Agent Justin Meinecke
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 4(d) this 9th day of August 2024.



Hon. Charles D. Austin
United States Magistrate Judge